



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND COURT CASE NO 15 OF 2016

IRENE KARWITHA KITHINJI.....PLAINTIFF/APPLICANT

VERSUS

1. COUNTY GOVERNMENT OF MERU.....DEFENDANT/RESPONDENT

2. MARTIN BIKURI LANDS ICT AND PLANNING.....DEFENDANT/RESPONDENT

RULING

This application is dated 31st March, 2016 and seeks orders.

1. ***THAT this application be certified urgent and heard on priority basis.***
2. ***THAT pending the hearing of this suit this Honourable Court be pleased to issue an order of mandatory injunction compelling the defendants jointly and severally to approve the development plans submitted to them by the plaintiff.***
3. ***An order of temporary injunction be issued against the defendants restraining them by themselves, their agents, employees, or anybody whatsoever claiming under their names from grabbing, taking or interfering with the plaintiff's ownership of Land Reference No. NGUSISHI/SETTLEMENT SCHEME /2387 until this suit is heard and determined.***
4. ***The costs of this application be provided for:***

The application is supported by the affidavit of IRENE KARWITHA KITHINJI, the applicant and has the following grounds:

- a. ***That Land Reference No. NGUSISHI 2387 is a sub-division of 728 which belonged to JOHNSON KITHINJI M'RUKARIA.***
- b. ***That the Land had been allocated by Settlement Fund Trustees upon payment of the requisite consideration at the time.***
- c. ***That the land is near a Market place and some officials of the 1st Defendant wish to grab the same and allocate it to themselves.***
- d. ***That the Plaintiff has followed all the instructions leading to the approval of her plans and even paid all the necessary fees but the greedy officials have frustrated the approval to enable them steal the land.***

- e. *That this Honourable Court has the duty to protect the sanctity of title and cut the teeth of greedy County Officials and their agents.*
- f. *That unless the Honourable Court intervenes untold injustice will be done to the plaintiff .*

When the matter came up for interpartes hearing, Advocate Rimita for the applicant , told the Court that the application was served on 15/04/2016, 11 days ago. Mr. Mutegi told the Court that the defendants were not ready to proceed because they had not filed responses.

I deem that 11 days was enough time for the Defendants to have prepared themselves for interpartes hearing. In the Circumstances , **prayer 3 is granted ONLY pending Interpartes hearing and determination of this application . Interpartes hearing of this application will take place on 16/05/2016.**

It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 26th DAY OF APRIL, 2016 IN THE PRESENCE OF:-

Daniel/Lilian

Rimita for the Applicant.

P. M. NJOROGE

JUDGE